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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Summary or arbitrary executions

Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38

Addendum

Report on the visit to Colombia by the Special Rapporteur on Summary or Arbitrary Executions (11-20 October 1989)

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CONTENTS

Chapter		Paragraphs	Page
I.	INTRODUCTION	1 - 4	1
II.	SUMMARY OR ARBITRARY EXECUTIONS IN THE CURRENT CONTEXT OF VIOLENCE	5 - 20	2
III.	STATISTICAL INFORMATION RECEIVED BY THE SPECIAL RAPPORTEUR	21 - 31	7
IV.	CASES OF SUMMARY OR ARBITRARY EXECUTIONS REPORTED TO THE SPECIAL RAPPORTEUR	32 - 50	16
	A. MASSACRES	33 - 37	16
	B. SPECIALLY VULNERABLE SECTORS	38 - 46	19
	C. THE COUNTER-INSURGENCY CAMPAIGN AND ITS REPERCUSSIONS ON THE CIVILIAN POPULATION	47 - 50	23
V.	ACTION BY THE GOVERNMENT	51 - 59	25
VI.	CONCLUSIONS AND RECOMMENDATIONS	60 - 74	28

I. INTRODUCTION

1. By letter dated 30 January 1989, the Government of Colombia invited the Special Rapporteur to visit the country in connection with reports on summary or arbitrary executions transmitted to it by the Special Rapporteur. The visit to Colombia took place from 11 to 20 October 1989.

2. During the visit, the Special Rapporteur was received in Bogotá by the Ministers of Foreign Affairs and Interior, the President and other judges of the Supreme Court, the President of the Council of State, the Commander-in-Chief of the Armed Forces and the Under-Secretary-General of the Ministry of Defence, the Attorney-General of the nation, as well as the Attorneys-Delegate for the Defence of Human Rights and for the Armed Forces, who is currently in charge of the Office of the Attorney-Delegate for the National Police, the Presidential Advisers for the Defence, Protection and Promotion of Human Rights, for Social Development and for Reconciliation, Rehabilitation and Normalization, the Deputy Director and the Director of Intelligence of the Administrative Security Department (DAS) and the Deputy Director of Criminal Investigation. While in Bucaramanga, Santander, the Special Rapporteur was received by the Secretary for Political Affairs of the local Government, the Director of Criminal Investigations, the personero (municipal officer for Human Rights) and members of the Office of the Attorney-General of Bucaramanga. Both in Bogotá and Bucaramanga, the Special Rapporteur also had the opportunity to hold hearings with a great number of witnesses, relatives and associations of victims of summary or arbitrary executions, representatives of human rights organizations and of trade unions, as well as representatives of political parties, the bar and the media. As during previous similar visits, the members endeavoured, within the short time available, to hear a variety of views on the complex situation on summary or arbitrary executions in Colombia from different representative segments of Colombian political, legal, religious and intellectual life.

3. The present report on the visit reflects the conversations the Special Rapporteur had in Colombia and the oral and written information he received on the situation of summary or arbitrary executions and aspects related thereto. Chapter II describes briefly the context of violence in which the problem of summary or arbitrary executions in Colombia has to be viewed. Chapter III describes the main characteristics of the cases of summary or arbitrary executions which the Special Rapporteur was able to study in detail during his visit and provides an evaluation of the evidence received, as well as useful statistical information. Chapter IV contains the actions taken by the Government to deal with the problem at hand, as explained to him during his visit. Concluding observations and recommendations are presented in Chapter V of the report.

4. The Special Rapporteur wishes to emphasize that he received most valuable co-operation from the Government, both in preparations for and during the conduct of the visit, in particular from the Ministry of Foreign Affairs, which co-ordinated the visit. The Government's co-operation was all the more remarkable considering the security situation in the country at the time of

the Special Rapporteur's visit. All requests for meetings with officials were accepted and most efficiently arranged by that Ministry and no obstacles whatsoever were encountered by the members of the mission in receiving representatives of non-governmental organizations, witnesses and relatives of victims of summary or arbitrary executions. Despite the Special Rapporteur's interest in visiting Apartadó, Urabá, Barrancabermeja and Medellín, the security situation stopped him from doing so. However, the Government arranged at short notice an alternative visit to Bucaramanga, Santander.

II. SUMMARY OR ARBITRARY EXECUTIONS IN THE CURRENT CONTEXT OF VIOLENCE

5. No discussion of summary or arbitrary executions in Colombia is possible without at least a brief description of the context in which they occur and in which they have gradually acquired their present alarming proportions. To the extent that summary or arbitary executions, together with disappearances, are the most tragic manifestation of the violence afflicting Colombia today, any attempt to understand them other than in the framework of the more general problem of violence is doomed to failure. However, it is by no means an easy matter to account for the complex problem of violence and its varied causes and forms. The complexity of the problem is explained by a large number of factors, such as the variety of conflicts it covers and therefore the multiplicity of persons involved, the diversity of patterns of violence and behaviour, regional differences that make any generalization difficult, and the constant volatility of the political and military alliances among the various persons responsible for acts of violence. 1/

6. The existence of a stable and democratic political régime accompanied by a significant degree of violence, both political and ordinary, is one of the distinctive features of Colombia's history as a republic. In certain cases, as during the decade from 1948 to 1958, political violence reached tragic proportions, and cost thousands of persons their lives. The civil war between the Liberal and Conservative Parties, better known as "la violencia", came to an end when the two traditional majority Parties reached a comprehensive political agreement, under which they undertook to alternate in office every four years and to share equally in the running of the State. The political agreement that put an end to the violence restored Colombia's institutional stability, but at the same time created the conditions for the future exclusion from the political system of groups outside the liberal or social conservative fold. In addition, the end of the civil war did not give the armed forces a monopoly of power. Although the majority of the liberal guerrilla fighters demobilized and surrendered their weapons, some of them failed to do so, not only for political reasons but also because they were used to war and refused to drop the life-style associated with it.

7. The liberal guerrilla groups, survivors of the civil war, constituted the nucleus of the guerrilla movements that arose in Colombia, as in the rest of Latin America, during the 1960s. Guerrilla warfare has increased throughout Colombian territory not only in areas of low military presence but also in areas of intense social conflict. For this reason, recently-settled zones characterized by both a low military presence and a difficult social situation, such as Magdalena Medio and the so-called western plains, became prime areas for guerrilla action. Today, the most important combat zones are in the areas of greatest social conflict.

8. The most important guerrilla movement is the Revolutionary Armed Forces of Colombia (FARC), linked to the Communist Party. FARC is active in rural areas and at present has approximately 40 combat fronts, spread throughout the national territory. Its political influence is greatest among the peasantry and its most important demand is land. FARC participated in the peace negotiations with President Betancur (1982-1986) and, in that context, formed the Patriotic Union as a political front - as a means of integration into the democratic process. When peace negotiations were broken off in 1985, FARC reverted to armed action. It recently began talks with the Government of President Barco (1986-1990) to discuss a framework for holding new peace negotiations.

9. Two other important guerrilla organizations are the People's Liberation Army (EPL) and the National Liberation Army (ELN). Like FARC, both groups were established at the beginning of the 1960s. EPL is active in the department of Córdoba and in the region of Urubá, in northern Antioquía, in the area bordering Panama. In recent years this banana-growing region has experienced rapid economic growth, in contrast to the workers' low wages and their virtually non-existent labour rights. ELN, on the other hand, is active in north-eastern Colombia, which is mainly an oil-producing area, and often kidnaps the top executives of the region's oil companies and blows up oil pipelines. Its main demand is the renegotiation of current oil contracts between the State and foreign companies. Other guerrilla groups are the M-19, which was formed in 1970 in response to an alleged electoral fraud in that year's elections, the Ricardo Franco Commando and Quintín Lame, whose membership is exclusively indigenous.

10. In the past three decades, confrontation between the armed forces and the guerrilla movements has probably been one of the main sources of violence in Colombia - not only in terms of the direct victims of these armed encounters, but also of the civilians who have been killed as a result of this confrontation although they belonged to neither side. The main victims of the violence created by the guerrilla groups have been members of the security forces. However, the victims of the guerrillas also include many civilians from various social strata who in one way or another opposed them. Quite apart from acts that violate human rights, such as summary or arbitrary executions, the guerrillas have resorted to abusive practices such as extortion and blackmail, which in many cases have been resolutely rejected by the population.

11. Colombia has been under a state of siege virtually since the end of the civil war. Successive Governments have assigned the armed forces a growing role not only in the counter-insurgency struggle but also in maintaining public order in general. One obvious example has been the loss of autonomy by the police, which became subordinate to the Ministry of Defence, traditionally under the responsibility of a general of the armed forces. As part of this process, the machinery offering protection against possible excesses by the forces of order has gradually been weakened. Both the counter-insurgency and anti-drug struggles, under the cover the Security Statute enacted by President Turbay Ayala (1978-1982), helped to expand military participation

in the running of public affairs. It was in this context that numerous accusations began to be made against the forces of law and order for arbitrary detention and torture and that the first cases of summary executions and disappearances of alleged guerrillas or their sympathizers emerged. The extension of military jurisdiction to cover civilian cases did not do much to curb the abuses reported. Not only the counter-insurgency struggle but also the number of accusations made against the forces of law and order for human rights violations, especially summary or arbitary executions, has worsened considerably during the 1980s.

12. The forces of law and order encouraged the establishment of "peasant self-defence groups" as part of the counter-insurgency struggle. Bolstered by those who had suffered as a result of the abusive actions and practices of the guerrillas and by those who viewed such practices as a threat to their interests, these groups were essentially defensive in nature up to the present decade. Enjoying the strong support of the forces of law and order, which supplied weapons and logistical support, these groups played a significant role in some areas as the civilian society's counterweight to the guerrilla movement and dissident social organizations. During the present decade, however, the peasant self-defence groups, in particular under the influence of the relatively recent development of the drug trade, in many cases became politico-military organizations that were offensive in nature. In this respect, they came to play a very active role not only, or especially, in the counter-insurgency struggle, but also in the destruction of dissident social organizations which, although not directly linked with the insurgents, at least agreed with them in questioning the established order. These groups are now commonly known as paramilitary groups. 2/

13. These groups were first formed in the Magdalena Medio zone, but their activities have been extending to other regions of the country. Initially their existence was unknown, and for a long time they continued to be confused with peasant self-defence groups. During a parliamentary debate in 1987, the then Minister of Defence claimed that the existence of such self-defence groups was permitted by Act No. 48 of 1968, which had confirmed Decree No. 3398 of 1965. This argument was defended by the then Minister of Justice, who recognized the right of livestock farmers and peasants to defend themselves against the guerrillas. In November 1988, General Samudio was removed as Minister of Defence after publicly contradicting the President's counter-insurgency policy and advocating "total war" against the guerrillas. Shortly after General Samudio was replaced as Minister of Defence, General Manuel Jaime Guerrero Paz publicly condemned the so-called paramilitary groups, in what was the armed forces' first denunciation of these groups.

14. In 1988 the Administrative Security Department - the intelligence service that reports directly to the President of the Republic - provided a list of 153 such groups. 3/ However, it is maintained that their real number is lower, since many of them operate in various regions and use different names when doing so. Paramilitarism intensified in the early and mid-1980s in regions where the drug traffickers bought large plots of grazing land. Because of the presence of guerrillas in such regions, the land could be

bought quite cheaply. However, the drug traffickers refused to pay the quotas levied by the guerrillas and instead decided to finance and build up the peasant self-defence groups to put an end to the guerrillas, in particular by destroying their political and social support bases in the region. Thus the main victims of the paramilitary groups have not been the guerrilla forces but trade-union and left-wing political leaders, who operate legally and openly in areas of intense conflict. In some regions of Magdalena Medio, for example, paramilitary group action has been so effective that there is no longer any trace either of a guerrilla presence or of any alternative grass-roots political organization.

15. The recent increase in the number of summary or arbitrary executions of trade-union leaders, especially those belonging to the United Federation of Workers of Colombia (CUT) and of left-wing leaders and militants, particularly those of the Patriotic Union, attributed to paramilitary groups, cannot be understood exclusively in terms of the drug trade's penetration into certain regions of intense social and/or armed conflict. Paramilitary violence appears to have been used not only to destroy grass-roots organizations and undermine the guerrillas' supposed bases of political support but also to check efforts to open up the political system and to prevent the incorporation of the guerrilla groups into the democratic political process. During the previous administration, President Belisario Betancur (1982-1986) made an ambitious effort to make peace with the guerrilla groups and integrate them into the democratic process. Although this effort was a failure, there is no doubt that initially it enjoyed some success. A cease-fire was achieved, if not with all the guerrilla groups, at least with the most important ones, and the first steps were taken to open up the political system to forces that had previously been excluded from it. The establishment in 1985 of the Patriotic Union, a political front including members of FARC and other left-wing groups, was an important milestone in this respect. Because of extremist intolerance at both ends of the political spectrum, the delicate peace achieved by President Betancur ended in December 1985 with the courthouse tragedy, which was followed by an alarming increase in paramilitary violence and a resurgence of guerrilla action, both of which, if not checked, could lead Colombia into another civil war.

16. Various non-governmental organizations told the Special Rapporteur that some months before the peace process ended in late December 1985, paramilitary groups had embarked upon the selective extermination of left-wing political activists, especially those of the Patriotic Union. In this way, the more extreme right-wing groups appear to have strengthened the positions of those members of the guerrilla movement who distrusted Betancur's peace process and were also prepared to sabotage it. "Dirty war" has been the term used to describe the paramilitary violence that has since been directed against left-wing opposition groups and grass-roots organizations linked to them. Despite the failure of President Betancur's peace programme and the tragic and violent way in which it came to an end, President Virgilio Barco (1986-1990) has spared no effort to resume peace negotiations with the guerrilla groups. Although these negotiations have made slower progress than those of his predecessor and violence has steadily increased during his mandate, the

current administration has a significant achievement to its credit with regard to the M-19 group, which has agreed to lay down arms and become integrated into the democratic process. If the State can guarantee the safety of former guerrillas and avoid selective extermination of the kind conducted against the Patriotic Union in recent years, other guerrilla groups will probably be encouraged to follow in M-19's footsteps, and one of the main sources of violence in Colombia which nurtures and fosters other forms of violence will be eliminated. All guerrilla groups, with the exception of ELN, are at present holding talks with the Government.

17. The violence practised by paramilitary groups has not been directed exclusively against members of the left-wing opposition accused of sympathizing or collaborating with the guerrillas. It has also affected - to an increasing extent in recent years - militants of the Liberal and Social Conservative Parties, not only in their capacity as trade-union leaders and political activists, as was recently the case of the Liberal candidate for President of the Republic, Luis Carlós Galán, but basically in their capacity as public officials. Thus the drug traffickers have sought to neutralize those within the State apparatus who gave no indication of willingness to collaborate with them. The large number of public officials who have fallen victim to the paramilitary groups reveals not only the extent of resistance to the pernicious influence of the drug traffickers and their allies but also the State's powerlessness to provide adequate protection for people doing their duty. The long list of public official victims of the paramilitary groups linked to the drug trade include a Minister of Justice, an Attorney-General of the Republic and, according to testimony by representatives of the National Association of Judges, more than 200 members of the judiciary. 4/ Equally alarming is the number of public officials, especially members of the judiciary, who have received death threats and have had to give up their jobs and, in many cases, leave the country in order to avoid being assassinated. The paramilitary groups have even dared to assassinate practically all the members of a judicial commission formed specifically to investigate certain massacres attributed to these groups in Magdalena Medio. At the present time, the three surviving members of the 15-member judicial commission are under threat of death, and despite the official protection being provided for them, they have good reason to fear for their lives. 5/

18. According to official sources, the paramilitary groups have received not only significant financial support from the drug traffickers but also military training from German, Israeli and North American mercenaries. The Administrative Security Department provided confidential information on the existence of training camps for such groups in the Magdalena Medio region and the presence of mercenaries responsible for providing military instruction there. 6/ Subsequently, in 1989, the Administrative Security Department publicly revealed the identity of 9 Israeli and 10 British instructors who provided the paramilitary groups with military training. 7/

19. As will be seen in chapter III, the investigations conducted by the Judiciary, the Office of the Attorney-General of the Republic and the Administrative Security Department have, in a large number of cases, revealed

that members of the forces of law and order participate actively in the paramilitary groups, and have also provided more details about the organization and financing of those groups. For example, the Administrative Security Department states that one of the groups operating in Puerto Boyacá, masquerading as a self-defence group called the Association of Peasants and Stock-raisers of Magdalena Medio (AGDEGAM), enjoyed the active collaboration of the Commander and Deputy Commander of the military base at Puerto Calderón and the Police Commissioners of La Dorada, Caldas and Puerto Boyacá, Boyacá. The same source maintains that both the Major of Puerto Boyacá and the Regional Prosecutor of Honda, Tolima, were collaborating with this group. The group had approximately 300 hired killers and more than 100 motorized vehicles, including small airplanes. In a country as violent as Colombia, where there are more than 1 million firearms in private hands, it is fairly easy to buy the services of a hired killer. In some cases, the paramilitary groups have gone even further and provided hired killers with military training. According to the Administrative Security Department, the paramilitary group operating as AGDEGAM is active throughout Magdalena Medio as well as in parts of the departments of Antioquía, Boyacá, Caldas and Santander. As for its financing, the Department states that the group is supported not only by the drug traffickers, but also by stock-raisers and farmers who devoted some of their time to growing coca, under cover of other licit agricultural activities. 8/

20. Additional information received by the Special Rapporteur would appear to indicate that the main regions where the paramilitary groups operate are those with a strong military presence and that there have been no reports so far of confrontations between such groups and the forces of law and order. As will be seen below, the information available shows that the increase in summary or arbitrary executions in recent years is closely linked to the increase in paramilitary group activities. It is to these groups that non-governmental human rights organizations, both Colombian and foreign, attribute the greatest number of assassinations of civilians and the main responsibility for the massacres that occurred in 1988 and 1989. Collective assassinations, in which the victims are usually defenceless peasants, are a very recent development and an indication of the alarming increase in violence in Colombia. For this reason, both the official recognition of the existence of paramilitary groups and the identification of their training camps and foreign military instructors are commendable events. Subsequent measures, which will be analysed in chapter IV, demonstrate the Government's determination to destroy the paramilitary groups.

III. STATISTICAL INFORMATION RECEIVED BY THE SPECIAL RAPPORTEUR

21. For many years, murder has been the main cause of deaths among the adult population in Colombia. Logically, not all murders are politically motivated. According to the Presidential Adviser for Human Rights, only 10 per cent of the murders in Colombia are politically motivated and fall one way or another into the category of organized violence. Nevertheless, as can be seen from table I, the number of victims of the political violence is very high.

TABLE I

Victims of violent deaths in the political and military conflict (1988-1989) */

Category	1988	1989	Total
Political killings	2 738	1 518	4 256
Killings "to clean up society"	273	289	562
Deaths in armed clashes	1 083	530	1 613
Total violent deaths	4 094	2 337	6 431

Source: Justicia y Paz, Boletín informativo, vol. 1, no. 4, and vol. 2, nos. 1, 2 and 3, Comisión Intercongregacional de Justicia y Paz, Bogotá.

*/ The figures are for the period 1 January 1988 to 30 September 1989.

22. Table I shows the number of violent deaths resulting from the political and military conflict of 1988 to 1989. Violent deaths fall into the categories of political killings, killings "to clean up society", and deaths in military clashes. According to the source of information for these figures, political killings are those which are motivated by intolerance of ideas or practices contrary to those of the killer(s), or those which demonstrate the most extreme way of cracking down on lawful methods for the people to state their grievances or to organize themselves. Killings, even though unclear, are also considered as political because of the zone of conflict in which they occur, some of the specifics of the victims, the way in which they are executed and other signs which point to a political motive. Two-thirds of the violent deaths between January 1988 and September 1989 fall within this category. According to the same source, killings committed "to clean up society" are killings in which violence is used to wipe out beggars, prostitutes, delinquents, the insane, drug addicts and other persons who, according to neo-Nazi ideas, represent a problem to society. During the period in question, this category accounted for less than 10 per cent of all violent deaths. Lastly, deaths in military action are, according to the same source, deaths which occur in an armed clash either between members of belligerent forces or civilian victims caught in the cross-fire. In this category, as in the case of political killings, the number of victims has dropped in the past year as a result not only of the lack of figures for the last quarter of 1989 but in all likelihood also as a result of the measures taken by the Government against the so-called paramilitary groups and of the headway in the peace negotiations between the Government and the various guerrilla groups.

23. Table II gives information on the social sector of the victims in the first two categories in table I, in other words, political killings and killings "to clean up society". It is important to make two reservations

regarding table II. Firstly, the figures also include the victims of forced or involuntary disappearances, which, according to the same source, amounted to 210 in 1988 and 99 in 1989. Secondly, not all the victims have been identified in terms of social sector for which reason the totals in tables I and II do not match, even if the figures for forced or involuntary disappearances which are included in table II were added to the totals in table I.

TABLE II

Victims of killings in the political conflict, by social sector (1988-1989) a/

Social sector	1988	1989	Total
Indigenous persons	50	44	94
Peasants	840	456	1 296
Industrial workers	198	111	308
White-collar workers	327	603	930
Students	48	34	82
Self-employed workers b/	218	205	423
Professionals	89	108	197
Delinquents and marginalized	233	187	420

Source: Justicia y Paz, Boletín informativo, vol. 1, no. 4, and vol. 2, nos. 1, 2 and 3, Comisión Intercongregacional de Justicia y Paz, Bogotá.

a/ The data in this table also include victims of forcible or involuntary disappearances, which, according to the same source, amounted to 210 in 1988 and 99 in 1989. They do not, however, include victims of the armed conflict. The figures for 1989 are from 1 January to 30 September.

b/ This category includes, inter alia, employers, traders, ranchers and stock-breeders.

24. Table II shows that peasants are the sector of society worst hit by the political violence and that they form a high percentage of the total for victims of summary or arbitrary executions. Another social sector that is quite badly hit is white-collar workers, a sector which, in addition, is the only one, together with professionals, to show an increase in victims in 1989 compared with the previous year. The bulk of the white-collar workers killed is in the public sector, so it is highly likely that the sharp increase in the number of victims in this sector has something to do with the drastic action taken by the Government in 1989 in connection with the so-called paramilitary groups and, more specifically, with the drug traffic.

25. As stated in chapter II, a relatively recent phenomenon is that of collective killings or massacres. Table III and table IV contain data on simultaneous killings of four or more persons for 1988 and 1989 respectively. The tables also give the place and date of the massacres, the number and occupation of the victims and, according to sources of information, the forces said to be responsible for the massacre.

TABLE III

Massacres during 1988
(four victims or more)

Place	Number of victims	Occupations	Forces allegedly responsible	Date
1. Envigado, Antioquia	8	Unknown	Mafia	8-01
2. San Pablo, Bolivar	6	Peasants	Paramilitary Group	11-01
3. Puerto Nare, Antioquia	8	Fishermen	Guerrilla	21-01
4. Puerto Sogamoso, Santander	9	Peasants	Paramilitary Group	1-02
5. Cuatro Bocas, Santander	6	Peasants	Paramilitary Group	3-02
6. Bajo Putumayo, Casanare	7	Peasants	Paramilitary Group	16-02
7. Piñalito, Meta	14	Peasants	Paramilitary Group	21-02
8. Sierra Perijá, Cesar	8	Peasants	Unknown	25-02
9. Bucaramanga, Santander	5	Unknown	Paramilitary Group	28-02
10. Sierra Nevada, Santa Marta	8	Peasants	Guerrilla	1-03
11. Chigorodó, Antioquia	6	Peasants	Unknown	2-03
12. Currulao, Urabá Antioquia	20	Peasants	Paramilitary Group	4-03
13. Mejor Esquina, Córdoba	38	Peasants	Paramilitary Group	3-04
14. Villanueva, Casanare	5	Peasants	Unknown	4-04
15. Coquitos, Turbo, Antioquia	25	Peasants	Paramilitary Group	11-04
16. Villanueva, Casanare	6	Peasants	Guerrilla	11-04
17. Rosas, Cauca	5	Peasants	Military	18-04
18. Chaparral, Tolima	5	Peasants	Unknown	18-04
19. Valledupar, Cesar	5	Peasants	Unknown	24-04
20. Bogotá	5	Peasants	Unknown	10-05
21. El Yarí, Caquetá	6	Peasants	Paramilitary Group	10-05
22. Arboledas, Santander/Norte	5	Peasants	Paramilitary Group	17-05
23. San Vicente de Chucurí, Santander	12	Peasants	Military	19-05
24. Itaguí, Antioquia	5	Peasants	Unknown	22-05
25. La Fortuna, Barranca, Santander	6	Peasants	Military	24-05
26. Medellín, Antioquia	5	Marginals	Paramilitary Group	26-05
27. Belén, Andaquíes, Caquetá	5	Peasants	Unknown	6-06
28. Andes, Antioquia	5	Peasants	Unknown	7-06
29. Bucaramanga, Santander	13	Marginals	Paramilitary Group	10-06
30. San Rafael, Antioquia	18	Miners	Paramilitary Group	14-06
31. Paniquita, Cauca	7	Peasants	Unknown	24-06
32. Monserrate, Bogotá	6	Marginals	Paramilitary Group	1-07
33. Puerto Parra, Santander	6	Peasants	Paramilitary Group	4-07
34. Otanche, Boyacá	11	Ind. Work.	Paramilitary Group	4-07
35. El Castillo, Meta	17	Peasants	Paramilitary Group	5-07
36. Medellín, Antioquia	5	Ex-military	Mafia	11-07
37. Ciénaga, Magdalena	5	Peasants	Paramilitary Group	11-07
38. Pivijay, Magdalena	5	Peasants	Paramilitary Group	20-07
39. Yarima, Santander	12	Peasants	Paramilitary Group	20-07
40. Chaparral, Tolima	5	Peasants	Military	21-07

TABLE III (continued)

Place	Number of victims	Occupations	Forces allegedly responsible	Date
41. Puerto Libertador, Córdoba	8	Peasants	Paramilitary Group	22-07
42. El Carmen, Santander	5	Peasants	Paramilitary Group	12-08
43. Yacopí, Cundinamarca	9	Peasants	Unknown	22-08
44. Saiza, Córdoba	11	Peasants	Guerrilla	23-08
45. Medellín, Antioquia	5	Traders	Unknown	28-08
46. Chigorcdó, Antioquia	4	Peasants	Paramilitary Group	29-08
47. Puerto López, Meta	6	Peasants	Unknown	30-08
48. El Tomate, Córdoba	16	Peasants	Paramilitary Group	30-08
49. Popayán, Cauca	4	Peasants	Paramilitary Group	2-09
50. Bocas de Satinga, Nariño	5	Natives	Mafia	8-09
51. Olaya Herrera, Nariño	5	Natives	Landowners	9-09
52. San Andrés de Sotavento, Córdoba	4	Peasants	Paramilitary Group	12-09
53. El Playón, Santander	4	Peasants	Paramilitary Group	15-09
54. Quinchía, Risaralda	4	Peasants	Paramilitary Group	24-09
55. Villarrica, Tolima	5	Peasants	Paramilitary Group	27-09
56. Puerto Boyacá, Boyacá	19	Peasants	Paramilitary Group	29-09
57. Turbo, Antioquia	5	Ind. Work.	Paramilitary Group	30-09
58. Cartagena del Chaíra, Caquetá	12	Military	Guerrilla	2-10
59. Cartagena del Chairá, Caquetá	4	Civilians	Guerrilla	2-10
60. El Paujil, Caquetá	16	Soldiers	Guerrilla	4-10
61. Puerto Wilches, Santander	4	Military	Guerrilla	5-10
62. Cerrito, Santander	6	Military	Guerrilla	6-10
63. Medellín, Antioquia	7	Unknown	Mafia	14-10
64. Cubarral, Meta	5	Peasants	Paramilitary Group	18-10
65. Guayabal del Peñón, Cundinamarca	5	Peasants	Guerrilla	25-10
66. El Castillo, Meta	5	Peasants	Paramilitary Group	6-11
67. Segovia, Antioquia	43	Inhabitants	Paramilitary Group	11-11
68. Córdobas, Córdoba	7	Peasants	Paramilitary Group	13-11
69. Barranca, Santander	4	Unknown	Paramilitary Group	17-11
70. Granada, Meta	5	Peasants	Paramilitary Group	21-11
71. Canalete, Córdoba	5	Peasants	Paramilitary Group	25-11
72. Puerto Valdivia	7	Unknown	Paramilitary Group	4-12
73. Orihueca, Magdalena	4	Unknown	Unknown	5-12

Source: Colombia: Violencia, Derechos Humanos y Refugio Interno, Servicio Universitario Mundial, Comité Nacional SUM-Colombia, Bogotá, 1989 and Informativo analítico de la situación de los derechos humanos en Colombia, issues for 1988 and 1989, Corporación Colectivo de Abogados "José Alvear Restrepo", Bogotá.

TABLE IV

Massacres between January and August 1989
(four victims or more)

Place	Number of victims	Occupations	Forces allegedly responsible	Date
1. Puerto Valdivia, Antioquia	4	Ind. Work.	Paramilitary Group	1-01
2. Betania, Antioquia	4	Ind. Work.	Paramilitary Group	3-01
3. Uraba, Antioquia	4	Ind. Work.	Paramilitary Group	3-01
4. Loma Verde, Córdoba	5	Peasants	Paramilitary Group	8-01
5. La Rochela, Santander	12	Judiciary	Paramilitary Group	18-01
6. Sta Rosa Cabal, Risaralda	6	Peasants	Paramilitary Group	4-02
7. Bucaramanga, Santander	10	Marginals	Paramilitary Group	6-02
8. Monteria, Córdoba	6	Peasants	Paramilitary Group	8-02
9. San Roque, Meta	5	Peasants	Paramilitary Group	28-02
10. Piñalito, Meta	6	Peasants	Paramilitary Group	6-03
11. Yarima, Santander	7	Peasants	Paramilitary Group	7-04
12. Bucaramanga, Santander	10	Marginals	Paramilitary Group	8/9-04
13. Maripi, Bocayá	7	Peasants	Paramilitary Group	28-04
14. Cali, Valle	4	Marginals	Paramilitary Group	6-05
15. Ataco, Antioquia	4	Miners	Paramilitary Group	7-05
16. Arbolete, Cesar	6	Peasants	Paramilitary Group	24-05
17. Barrancabermeja, Santander	4	Ind. Work.	Paramilitary Group	24-05
18. Turbo, Urabá, Antioquia	4	Peasants	Paramilitary Group	3-06
19. Turbo, Urabá, Antioquia	4	Peasants	Paramilitary Group	16-06
20. Barrancabermeja, Santander	6	Ind. Work.	Paramilitary Group	6-07
21. Canalete, Córdoba	7	Peasants	Paramilitary Group	14-08

Source: Colombia: Violencia, Derechos Humanos y Refugio Interno, Servicio Universitario Mundial, Comité Nacional SUM-Colombia, Bogotá, 1989 and Informativo analítico de la situación de los derechos humanos en Colombia, issues for 1988 and 1989, Corporación Colectivo de Abogados "José Alvear Restrepo", Bogotá.

26. Both table III and table IV show that the chief victims of the massacres in 1988 and 1989 have been the peasants. In 1988, 50 of the 73 massacres were massacres of peasants, in other words, almost 70 per cent of the total. In 1989, 11 of the 21 massacres were massacres of peasants. This corroborates the information contained in table II inasmuch as peasants have been the sector worst hit by summary and arbitrary executions. It also indicates that the rural areas are the ones most torn by the violence, which now encompasses, although not exclusively, a number of departments in the Magdalena Medio region. According to non-governmental sources, the peasants massacred are usually trade-union activists or are accused of collaborating with the guerrillas. Members of the armed forces have also been victims of massacres.

For example, in 1988 there were five massacres of members of the armed forces. As to the forces presumably guilty, almost 70 per cent of the massacres in 1988 have been attributed to the so-called paramilitary groups, whereas the figure rose to 100 per cent in 1989. The guerrillas are charged with being responsible for 10 of the 73 massacres committed in 1988. Even though the information in table IV covers only the period up to 14 August 1989, the number of massacres compared with the previous year has unquestionably fallen to a significant extent. Nevertheless, the dimension of the phenomenon during the first eight months of 1989 is still worrying. Even so, it is highly likely that the variations from one year to another reflect the initial successes achieved by the Government in the campaign against the so-called paramilitary groups.

27. Table V gives the number of victims of killings, by political group, for the period 1985-1989. The groups include the two traditional parties, the Liberal Party and the Social Conservative Party. The former is the party now in office and the latter forms the opposition. The table also includes figures for three left-wing political line-ups: Unión Patriótica, founded in 1985, Frente Popular and A Luchar.

TABLE V

Victims of killings, by political group
(1985-1989) */

Political group	1985	1986	1987	1988	1989	Total
Unión Patriótica	99	144	77	183	72	575
Liberal Party	3	29	9	88	75	204
Social Conservative Party	8	18	2	41	35	104
Frente Popular	-	-	-	26	4	30
A Luchar	4	-	-	18	-	22

Source: Centro de Estudios e Investigaciones (CEIS), Justicia y Paz, Boletín informativo, vol. 1, nos. 1, 2 and 3, Comisión Intercongregacional de Justicia y Paz, Bogotá, and Itinerario de la violencia, 1984, 1985 and 1986, Bogotá.

*/ The figures are for the period 1 January 1985 to 30 September 1989.

28. Table V shows that Unión Patriótica is the political group worst hit by the violence. However, both the Liberal Party and the Social Conservative Party have also been seriously affected, basically from 1988 onwards. Up to then, the chief victims in the political groupings largely belonged to Unión Patriótica. This table, like earlier ones, also shows that 1988 was the most violent of recent years. For example, the number of Unión Patriótica victims

rose by 150 per cent over the previous year, whereas the Liberal Party and Social Conservative Party victims rose by 1,000 per cent and 2,000 per cent respectively. That year, a large number of the victims of the political violence were from the Frente Popular and from A Luchar, groups which had not been a target up to then, with the exception of A Luchar in 1985. Despite these changes, Unión Patriótica is still the group with the highest number of victims. In 1989, this seems to have changed slightly, since the Liberal Party has the highest number of victims, followed very closely by Unión Patriótica. As pointed out earlier, government action against the so-called paramilitary groups seems to explain the fall in the number of activists from all political groups who were killed in 1989. More difficult to understand is the proportional increase in the victims from the Liberal Party and the Social Conservative Party. Some people maintain, for example, that the members of the ruling party are the target of reprisals by the paramilitary groups on account of the steps taken against those groups by the Government. For some non-governmental organizations, the dimensions of the extermination suffered by Unión Patriótica up to 1988 were such that, at the present time, there are few Unión Patriótica activists engaged in public work. For these reasons, the attention of the so-called paramilitary groups has started to turn increasingly towards activists in other political camps who defend positions which are uncomfortable for those who wield economic and political power at the local and regional level and/or have established political alliances with Unión Patriótica.

29. Tables VI and VII give figures for persons killed and wounded in the armed conflict. They fall into three categories, in terms of the sectors affected: the forces of law and order, the guerrillas, and the civilian population, which covers persons who are not part of the forces involved in the military confrontation but fall victim to it.

TABLE VI

Deaths in the military conflict
(1988-1989) */

Deaths in armed clashes	1988	1989	Total
Forces of law and order	405	148	553
Guerrillas	565	325	890
Civilian population	113	57	170
Total	1 083	530	1 613

Source: Justicia y Paz, Boletín informativo, vol. 1, no. 4, and vol. 2, nos. 1, 2 and 3, Comisión Intercongregacional de Justicia y Paz, Bogotá.

*/ The figures are for the period 1 January 1988 to 30 September 1989.

TABLE VII

Persons wounded in the military conflict
(1988-1989) */

Persons wounded in armed clashes	1988	1989	Total
Forces of law and order	501	179	680
Guerrillas	26	16	42
Civilian population	175	57	232
Total	702	252	954

Source: Justicia y Paz, Boletín informativo, vol. 1, no. 4, and vol. 2, nos. 1, 2 and 3, Comisión Intercongregacional de Justicia y Paz, Bogotá.

*/ The figures are for the period 1 January 1988 to 30 September 1989.

30. Despite the relative fall in the number of victims of the military conflict in 1989 compared with the previous year, the figures show that the conflict is far from negligible and is without a doubt a very important source of violence in Colombia. Apart from the deaths of combatants and civilians as a direct result of the military conflict, many other persons are constantly being killed in Colombia on the charge or the pretext of collaborating or sympathizing with the guerrillas. All the more important then, the effort by the Government to negotiate peace with these groups and endeavour to draw them into the democratic process.

31. According to non-governmental sources, the degree of violence in the military confrontation would seem to be reflected in the higher number of killed than wounded. The degree of violence would seem to affect the guerrilla groups most of all. A scrutiny of the ratio of killed to wounded, by category, reveals that both in the case of the forces of law and order and in the case of the civilian population, the figures for the killed are lower than for the wounded. Between 1988 and 1989 there were 553 dead and 680 wounded among the forces of law and order, whereas 170 of the civilian population died and 232 were wounded. It is the reverse in the case of the guerrilla groups, among which there were 890 killed and only 42 wounded. Tables VI and VII also show a far from negligible number of victims among the civilian population. Testimony received by the Special Rapporteur and presented in the next chapter speaks of the various ways in which the military conflict affects the civilian population, not only in terms of killed and wounded but also of the massive shifts of population to which it gives rise and the attendant difficulties.

IV. CASES OF SUMMARY OR ARBITRARY EXECUTIONS REPORTED TO THE SPECIAL RAPPORTEUR

32. This chapter describes briefly some of the cases of massacres reported to the Special Rapporteur in the course of his visit and reference is made to sectors of the population which have been the chief victims of summary or arbitrary executions. Reference is also made to cases of extrajudicial executions in the context of the counter-insurgency campaign and to some phenomena connected with the campaign in some regions, such as displaced persons. In keeping with the information available, the description of each case includes the measures taken by the authorities to investigate the acts in question and to punish people alleged to be guilty. It should be added that, although peasants have been the sector of society most affected by the violence, as can be seen from chapter 2, tables 2, 3 and 4, the present chapter does not analyse the specific problems of this sector. The reason is that, both the majority of the victims of the massacres and the civilian victims of the counter-insurgency campaign, along with a high number of the victims from the Unión Patriótica and the United Federation of Workers of Colombia, are peasants. Lastly, for reasons of space the Special Rapporteur has had to be quite selective, and only some of the cases reported to him are given below. They include only a few cases of individuals. However, to supplement the information presented here, the reader may refer to the part on Colombia in the main report, which includes the cases of individuals transmitted by the Special Rapporteur to the Government of Colombia on 13 March, 24 July and 6 October 1989 and the replies from the Government in regard to those cases (see paras. 114-142 of E/CN.4/1990/22).

A. Massacres

1. Urabá

33. Very early on 4 March 1988 banana workers were massacred on the "La Honduras" and "La Negra" plantations near Curralao, in Urabá. Approximately 30 armed men broke into the living quarters of the workers of "La Honduras", carefully picked out 18 and then killed them. Shortly afterwards, the killers headed for "La Negra", which is only three kilometres from "La Honduras", and killed three more workers. Urabá is a region with a plentiful banana production and, in recent years, fierce trade-unionism has emerged as a result of the precarious working conditions. It is maintained that the trade-union movement has close ties with the EPL and the FARC, guerrilla groups which are very active in the Urabá area. Shortly before the massacres, a group of uniformed men, along with hooded civilians, held, interrogated and released some of the workers who were killed later on. Apparently, the detainees were interrogated by intelligence officers from the Voltígeros Battalion, which operates in the region. After 4 March 1988 extrajudicial executions of workers persisted in Urabá. In April, 9 workers were killed and 16 disappeared from a plantation in Punta Coquitos, near Turbo. According to witnesses, the persons who disappeared were killed at sea. The victims had taken over some land in order to build homes for themselves. On 14 April 1988, President Barco, using his powers under the state of siege, declared Urabá a military zone. However, this has not put an end to the killings of trade-union executives.

34. Investigations conducted by Martha Lucía González Rodríguez, a judge at the Sixth Court of Public Order, and by the DAS led to the conclusion that the responsibility for the massacres lay with a paramilitary group in Puerto Boyacá which uses the self-defence organization known as ACDEGAM as a front. 9/ According to these sources, the money for the group comes chiefly from the drug traffickers Gonzalo Rodríguez Gacha and Pablo Escobar Gaviria, who both belong to the Medellín Cartel. Also said to be implicated in this crime are army Major Luis Felipe Becerra Bohórquez and Lieutenant Pedro Vicente Bermúdez Lozano, both from the Voltígeros Battalion's intelligence service. It is reported that there is evidence Major Becerra paid the hotel bills of several of the people who took part in the massacre. Arrest warrants have been issued for both officers. According to DAS, the aim of the massacre was to liquidate the workers who supported the guerrillas. 10/ As a result of the investigations, Judge González demanded that Police Chief Captain Marco Fidel Mendieta Sierra and the Mayor of Puerto Boyacá, Luis Alberto Rubio Rojas, should be suspended for helping to cover up ACDEGAM's criminal activities. Mr. Rubio was suspended, but it has not been possible to arrest him. Following threats, Judge González had to leave the country. Since they could not take her life, members of the so-called paramilitary group killed her father, Alvaro González Sánchez on 4 May 1989, in Bogotá. Mr. González was a liberal parliamentarian and had been governor of Boyacá. Judge María Helena Díaz Pérez, who replaced Judge González, confirmed the accusations made by her predecessor. She was promptly threatened with death, on which account she was afforded protection. The protection however, was not enough, for Judge Díaz Pérez and two of her bodyguards were killed in Medellín in July 1989.

2. San Rafael

35. On 14 June 1988, 17 miners and 1 secondary school student who was visiting the Encillo gold mine in San Rafael, Antioquia, disappeared in suspicious circumstances. A week later, their mutilated bodies were found on the banks of the River Nare. Apparently the massacre was a reprisal for the death in combat of an army lieutenant. Captain Carlos Enrique Martínez Orozco, of the XIV Brigade, who replaced the dead lieutenant, is said to have planned and carried out the massacre against the unionized miners, all of whom belonged to Unión Patriótica. Alejo Arango, the mine manager, was an active unionist and member of Unión Patriótica until 1988, when he disappeared from a military prison, to which he had been taken without charges of any kind. After the events, Captain Martínez received an administrative penalty and was transferred to another military unit. The case has been investigated by the Medellín Fourth Court of Public Order, which has reportedly found out that an unusual number of armed forces personnel moved through San Rafael both before and after the mass disappearance and killings. The charges against Captain Martínez and other army officers of robbery, abduction and homicide, are being appealed in the Medellín Higher Court of Public Order.

3. Segovia

36. Late on 11 November 1988, about a dozen armed men entered the town of Segovia, in the Department of Bomboná, and proceeded to terrorize the inhabitants, shooting off their weapons at random. Shortly afterwards,

the attackers, using a list, made a house-to-house search for certain individuals they wanted to kill on the spot. In all, 43 people lost their lives and more than 50 were wounded. Since Unión Patriótica won the municipal elections in March 1988, the town has been threatened by three paramilitary groups called Death to the Revolutionaries in the North East (MRN), The Realists, and Dirty War. According to judicial investigations, the police did not move in to repel the attack, despite the fact that the headquarters is in the main square. Significantly, the police building was not affected by the shooting, whereas the town hall alongside was the target of the attackers' anger. Without any explanation whatsoever, on the day of the massacre, the three military posts were removed from the only road leading to Segovia, and the Bomboná Battalion which has buildings alongside the road made no effort whatsoever to stop the attackers. Some members of the Bomboná Battalion seem not only to have failed to have done their duty but to have taken an active part in the campaign of intimidating the population and the municipal leaders of Unión Patriótica. The Supreme Court ruled in February 1989 that criminal proceedings should be taken against Lieutenant Colonel Alejandro Londoño, Commander of the Bomboná Battalion, and Lieutenant Edgardo Alfonso Navarro, for issuing leaflets containing threats against the population of Segovia shortly before the attack. Judge Martha Lucía Hurtado, of the Medellín Sixth Court of Public Order, has brought charges against Lieutenant Colonel Alejandro Londoño, the intelligence officers of the same battalion, Captain Hugo Alberto Díaz and Captain Hugo Henry Borda Guerrero, the Segovia Police Chief, Captain Jorge Eliécer Chacón Lazo, and four civilians who seem to belong to a paramilitary group operating in the Magdalena Medio region. So far as it has been possible to ascertain, none of the officers is under arrest. Four days after the massacre, Military Judge Gildardo Ospina Hoyos ruled that there were no grounds for instituting pre-trial proceedings against the police. This ruling was sent to the Office of the Prosecutor for the Armed Forces, apparently to prevent penalties being imposed in the administrative proceedings. Apart from Lieutenant Colonel Londoño and Lieutenant Navarro, who are being tried in the civilian courts for ordering the distribution of leaflets containing threats, the other heads of the Bomboná Battalion and the chiefs of the Police Headquarters in Segovia are being tried in the military courts on charges of cowardice.

4. La Rochela

37. This massacre of 12 members of a Commission of Inquiry occurred on 18 January 1989, in Simacota, Santander. The Commission, set up by the Directorate of Criminal Proceedings, was investigating massacres in the Magdalena Medio region, apparently committed by paramilitary groups. It is claimed that the investigations were in the final stage. The members of the Commission were intercepted by about 40 armed men from the Death to Kidnappers (MAS) 11/ paramilitary group, between La Rochela and La Vizcaína. Trickery was used on the victims and they were tied up and shortly afterwards they were gunned down. It is maintained that the Commission of Inquiry was soon to order the opening of a common grave containing 50 bodies, some of them the bodies of a group of 19 traders who had disappeared between Cúcuta and Magdelena on 7 October 1987. The Commission is also said to have succeeded in identifying the MAS gunmen who took part in this and other killings.

According to Unión Patriótica, MAS had the support of some officers in the armed forces. 12/ Of the 15 members of the Commission of Inquiry, only 3 judicial officials survived. As a result of their testimony, the investigations have identified several members of the paramilitary group presumably responsible for the massacre. Both they and other witnesses have now been threatened with death by a paramilitary group called "Los Masetos", which has, in addition, already killed one of the eye witnesses. In February 1989 Luis María Sanabria was killed after being dragged out of his home in Simacota, Santander. His daughter, also an eye witness, has been in hiding since that time. Neither Sanabria nor his daughter or any of the other witnesses has received or is receiving proper protection.

B. Specially vulnerable sectors

1. Unión Patriótica

38. As pointed out earlier, this political group has been affected most by the violence. As shown in table VIII, more than a quarter of the members of Unión Patriótica who have been killed were high ranking executives in the group. More particularly, its President, Jaime Pardo Leal, was killed on 11 October 1987. Pardo Leal had been a judge and a candidate for the presidency in the 1986 elections. Table IX shows the number of members of Unión Patriótica who held public office when they were killed. The total between 1985 and 1989 is 84, approximately 15 per cent of the number killed in all. The latter include the killings of Senator Pedro Nel Jiménez Obando on 1 September 1986 and Senator Pedro Luis Valencia on 14 August 1987. As can be seen from the figures, the greatest target has been against mayors and officials of the organization, who won positions in the first free elections for mayors held in Colombia, in 1988.

TABLE VIII

Members of Unión Patriótica killed
(1985-1989) */

Year	Executives	Rank and file	Total
1985	29	70	99
1986	65	79	144
1987	25	52	77
1988	23	160	183
1989	14	50	64
1985/89	156	411	567

Source: Centro de Estudios e Investigaciones (CEIS).

*/ The figures are for the period 1 January 1985 to 11 August 1989.

TABLE IX

Members of Unión Patriótica holding public office when they were killed (1985-1989) */

Members	Total
Senators	2
Deputies	3
Representatives	2
Mayors	6 a/
Town councillors	68 b/
Elective officials	3
Total	84

Source: Centro de Estudios e Investigaciones Sociales (CEIS).

*/ The figures are for the period from 1 January 1985 to 11 August 1989.

a/ Including one former mayor.

b/ Including two former town councillors.

39. The forces alleged to be responsible for the killings of members of the Unión Patriótica are shown in table X. The main forces allegedly responsible are the so-called paramilitary groups, the hired gunmen and the army, in that order. Although hired gunmen carry out many of the killings ordered by the paramilitary groups, in some cases the killings carried out by them do not form part of a premeditated act by a paramilitary group, but are private contracts. This is the distinction between a summary execution attributed to a paramilitary group and a summary execution attributed to hired gunmen. In any case, the killings attributed to paramilitary groups constitute almost 50 per cent of the total and more than double the number of those attributed to hired gunmen or the army.

TABLE X

Forces allegedly responsible for the killings of members of Unión Patriótica (1985-1989) */

	1985	1986	1987	1988	1989	Total
Paramilitary	39	83	24	134	18	298
Hired gunmen	4	12	32	28	38	114
Army	51	25	10	14	2	102
Police	4	14	6	5	0	29
Other	0	3	2	0	2	7
Unknown	1	7	3	2	4	17
Total	99	144	77	183	64	567

Source: Centro de Estudios e Investigaciones Sociales (CEIS).

*/ The figures are for the period from 1 January 1985 to 11 August 1989.

2. Trade-unionists

40. Another sector targetted by the violence has been that of organized labour. Of the four workers' federations, the United Federation of Workers of Colombia (CUT) has had the largest number of victims. According to the information given to the Special Rapporteur, the CUT represents some 85 per cent of organized labour in Colombia. Since it was formed in 1986, its ranks have been seriously decimated, as the figures in table XI clearly show.

TABLE XI

Killings of trade-unionists in the Colombian United Federation of Workers
(18 August 1986-7 April 1989)

Year	Killed
1986	26
1987	69
1988	146
1989	18
Total	259

Source: 265th Report of the Committee on Freedom of Association, International Labour Office, Geneva, in Official Bulletin, Vol. LXXII, 1989, Series B, No. 2.

41. Within the ranks of organized labour, educators form a group which is under particularly heavy attack. Organized in the Colombian Federation of Educators (FECODE), affiliated to CUT, the members of FECODE receive constant death threats which in many cases are carried out. FECODE is the only trade union for State-employed teachers and has approximately 200,000 members. FECODE executives state that in the course of the last two years, some 200 educators applied for a transfer because of the death threats they had received. They also said that in many instances these transfers do not obviate the danger of assassination. This would appear to point to the existence of a paramilitary network which is extremely well co-ordinated at the national level.

42. The cause of the violence against members of FECODE appears to stem from the growing desire of educators to change education policy and their active political involvement in the communities to which they belong. This political involvement means in many cases that these educators are accused of being "subversives", thereby linking them to the guerrillas and making them targets in the so-called dirty war. This happened in the case of Sister Teresa de Jesús Ramírez Vanegas, who was killed on 28 February 1989 while she was teaching at the local high school in Cristales, San Roque, Antioquia. Sister Teresa de Jesús had taken part in literacy campaigns and had supported the peasant marches of March 1988. According to information received by the Special Rapporteur, other nuns in the area had also been accused by the local authorities of engaging in "subversive propaganda" in their classrooms because they often used expressions such as solidarity, which would indicate a deep knowledge of Marxism-Leninism.

TABLE XII

Educators killed and threatened with death
(1985-1989) */

Years	Killed	Threatened
1985	2	a/
1986	14	62
1987	22	239
1988	56	54
1989	35	52
Total	129	407

Source: Report by the Colombian Federation of Educators (FECODE), member of the United Federation of Workers (CUT), given to the Special Rapporteur on Summary or Arbitrary Executions, in the course of his visit to Bogotá, Colombia, in October 1989.

*/ The figures are for the period 1 January 1985 to 30 September 1989.

a/ No information available.

3. Public officials, with special reference to the judiciary

43. In recent years, the victims have included a Minister of Justice, an Attorney-General of the Nation, various justices of the Supreme Court and High Courts and many judges and judicial officials. A number of Ministers of Justice are reported to have been compelled to resign because of the death threats that hung over them and/or their relatives and some seven or eight judges have had to leave the country for the same reasons. In some cases, as in that of Judge Marta Gonzáles who was investigating the Urabá massacres, the reprisals by the so-called paramilitary groups against the judges even include the killing of some of their relatives. 13/ According to Asonal Judicial, the union representing judicial officials, one fifth of the 4,379 judges in Colombia today, are under threat of death. In addition, not all the judges who have been threatened can benefit from police protection. However, it is said that when protection is provided it is inadequate, as the case of Judge Díaz Pérez demonstrates. 14/ The killing of judges and the lack of police protection led in 1989 to a number of strikes by judges and judicial officials throughout the country.

44. Almost all the judges and law officers who spoke to the Special Rapporteur pointed out that the judiciary faces other problems, in addition to the lack of security. Judicial proceedings, for instance, are based to an excessive degree on oral evidence. In the present context of violence, few people are willing to testify, out of a logical fear for their lives. In the absence of witnesses, investigations can make little progress, since the judiciary suffers from a shortage of technical facilities, such as ballistics, typing services, etc., for ascertaining the facts. Thus, judges are obliged to depend almost exclusively on oral testimony, which in most cases is extremely difficult to secure. It was also said that the judiciary needs to

have a well-equipped technical criminal investigation body, to carry out the instructions of the judge and work exclusively under his guidance. A further problem confronting the judiciary is that of lack of resources with which to pay the salaries of its employees and to expand its facilities in the light of the growing demand.

45. The judiciary, however, is not the sole target of the so-called paramilitary groups and of the groups of drug traffickers that finance them. The Administrative Security Department (DAS), which has been in the vanguard of the action to combat the drug trafficking, providing detailed information on its unlawful activities and its links with the so-called paramilitary groups, has also been the target of the violence stemming from these groups. The head of the DAS, General Miguel Maza Márquez was the target of an attack on 31 May 1989, from which he fortunately emerged unscathed. Eight people, however, died during the attack. Months later, in November 1989, a commercial aircraft travelling from Bogotá to Cali exploded in mid-air with dozens of people on board. The Medellín Cartel claimed responsibility for the attack as a response to the Government's activities against the drug trade and also stated that the aircraft's passengers had included five people who worked for the State intelligence agencies and who had been actively involved in combating the Cartel's unlawful activities. Shortly afterwards, at the beginning of December 1989, the headquarters of the DAS in Bogotá were blown up by a car bomb that caused the death of some 50 people, almost all innocent bystanders. All these acts, as well as the attacks against public buildings perpetrated in recent months by the drug trade, and the killings of five judges and magistrates between August and December 1989 in response to the extraditions of drug traffickers, appeared to be directed towards undermining the will to fight on the part of the State and more particularly of those agencies engaged in combating the drug trade and its violent manifestations.

46. Nor have other non-State groups engaged in this struggle escaped paramilitary violence. The independent press is a case in point. The number of journalists killed in recent years stands at over 40, including in particular Guillermo Cano, the editor of El Espectador. Since his death, the paper has continued to be a target for paramilitary violence. Many of its reporters and staff have been killed and its premises in Bogotá were almost totally demolished when a bomb exploded in September 1989. In cities such as Medellín, the paper had a very limited circulation as even newspaper sellers had been threatened in order to prevent it from being distributed. Another independent newspaper which has been a target of violence was the Vanguardia Liberal published in Bucaramanga. The newspaper's offices were virtually completely destroyed on the day after the Special Rapporteur left Bucaramanga to return to Bogotá.

C. The counter-insurgency campaign and its repercussions on the civilian population

47. The Special Rapporteur also received many reports of summary or arbitrary executions of the civilian population living in combat zones. Many of the summary or arbitrary executions in recent years in these zones were attributed by witnesses to the so-called paramilitary groups or the armed forces. They stated that in the zones controlled by the guerrillas, the air force is the first to make its presence felt, often bombing the civilian population. The air raids serve to intimidate the civilian population and often force it to move, either temporarily or permanently. The Special Rapporteur received

reports of air raids between 1988 and 1989 in various departments such as Antioquia, Arauca, Atlántico, César, Norte de Santander, Santander and Tolima. Various witnesses from rural areas such as San Vicente de Chucuri and Provincia de García Rovira, Santander, Yondó, Antioquia and Vistahermosa, Metá, said that after the air raids the infantry takes control of the zone. They went on to say that shortly afterwards, the paramilitary groups began to make themselves felt, threatening with death and killing anyone they regard as possible sympathizers or collaborators with the guerrillas.

48. The intensity of the conflict in certain regions has given rise to the relatively new phenomenon of displaced persons who, when they are permanently displaced, become what is known as internal refugees. The Special Rapporteur was informed of the existence of approximately 30,000 internal refugees throughout the country, but the exact figure is not known. Some of the main cities where refugees are concentrated are Bogotá, which receives families from Metá; Barrancabermeja, which takes in the displaced population from Magdalena Medio; Apartadó, which takes in displaced persons from the Urabá region; and Montería, Córdoba, which received displaced persons from the adjoining rural areas. It would seem that lack of resources prevents the State from providing these groups of victims of the military conflict in Colombia with the assistance they need. Further, there are no international, governmental or non-governmental organizations that are geared to provide support to persons displaced by internal conflict; this is why this group, which is increasing steadily in number, is relatively unprotected.

49. The Special Rapporteur also received reports concerning the violent way in which the army is said to have put down the campaigns by peasants in the north-west of Colombia in 1988. The Special Rapporteur was told that the peaceful character of the demonstrations makes it difficult to understand the extreme violence of the reaction of the forces of law and order. According to other versions, guerrilla groups were involved in the organization of the so-called peasant marches. The exact number of victims is unknown.

50. Two of the cases submitted to the Special Rapporteur are summarized below, to show that, in the counter-insurgency campaign, the forces of law and order are failing to comply with certain basic principles of international humanitarian law, such as the principle of not engaging in violence against the civilian populations. The first case is that of the massacre at El Tomate, Córdoba, on 30 August 1988. On that day, 30 uniformed men, armed with machine-guns attacked the civilian population of this small town, apparently as a reprisal for guerrilla attacks against the army. During the raid some 16 people died. Most of the victims belonged to the left-wing Frente Popular. Government sources stated soon after the massacre that it might have occurred in retaliation for a joint raid by the FARC and the EPL against a military post in Saiza in which 14 soldiers died and 21 soldiers were captured. Members of the peasant self-defence group set up by the army to combat the guerrilla are also reported to have died in the raid against Saiza. The second case occurred on 5 March 1989. On that day a band of 12 EPL guerrillas raided the town of Tenjo, near Bogotá, taking money from two local banks. While they were fleeing, they were arrested by 200 special agents of the National Police. Three guerrillas succeeded in escaping, one of whom was subsequently arrested, and nine guerrillas died. It is stated that there is evidence that six of the nine were shot after surrendering. When they were dead, they were tied by their feet and hung from a helicopter which flew them over the Tenjo region, presumably as part of the strategy of "psychological warfare" against the guerrillas.

V. ACTION BY THE GOVERNMENT

51. In its report to the Commission on Human Rights on its visit to Colombia, the Working Group on Enforced or Involuntary Disappearances analysed the Colombian legal system in detail. Chapter III of the report speaks of the structure of the State, the role of the Office of the Attorney-General, the judiciary, the Council of State and the military criminal courts, as well as other constitutional and legal matters (see E/CN.4/1989/18/Add.1). The Special Rapporteur strongly recommends a perusal of the chapter for a proper grasp of the Colombian legal system and of the action taken during 1989 by the Government to cope with the violence. This action will be the main focus of the present chapter.

52. The Special Rapporteur was informed by the Presidential Adviser for Human Rights that the Adviser's Office was established in November 1987 as a reflection of the present Government's concern for human rights and as an acknowledgement of the need for the campaign against the violence, in all its forms, to be waged with respect for the Constitution, the rule of law and international human rights principles and norms. To this end, the Office of the Adviser uses its scant financial resources to move ahead with an ambitious human rights promotion and dissemination programme. He was optimistic that the measures taken by the Government in connection with the so-called paramilitary groups and the drug traffic would significantly diminish the violence and reduce the summary or arbitrary executions, as has already started to happen. He pointed out, however, that account had to be taken of the violent nature of Colombian history and the fact that only a small proportion of the violent deaths were political in character. Lastly, he said that the violent activities of the paramilitary groups did not affect the opposition alone: they also affected government officials and members of the ruling party, as can be seen from the figures for violent deaths among members of political groups during 1989. 15/ He cited as an example the killing in August 1989 of Senator Luis Carlos Galán, the most popular liberal candidate for the forthcoming general elections, as well as the harassment and constant threats against judges, magistrates, high-ranking government officials and even Ministers of State.

53. The Presidential Adviser for National Peace and Reconciliation said that his Office had been established in response to the President's wish for a body intended exclusively to foster dialogue with the insurgent groups. He added that the present Government is fully aware that, as long as there are guerrilla groups and clashes with the armed forces, the violence will continue to affect the whole of Colombian society. Accordingly, the Government has taken on the task of drawing the insurgent groups into the democratic system. As the failed experience of 1982-1985 demonstrates, this is not an easy task. However, it is necessary not only to put an end to one of the main sources of political violence but also to strengthen the democratic system itself. He pointed out that the Government had already arrived at an agreement with M-19, one of the six main guerrilla groups, and if the agreement proved successful, it would be an inducement to the other guerrilla groups to follow suit. He said that there was certainly a great deal of resistance among the groups towards making peace with the Government, but at the present time all of the groups, with the exception of the ELN, were engaged in dialogue with the Government. He spoke of other political steps taken by the Barco Administration to broaden and strengthen Colombian democracy, such as the introduction of a political approach based on both the Government and the

opposition comparing ideas and programmes, thereby overcoming the approach followed up to 1986, in which participation by the opposition was, in practice, ruled out. Another step which had made for firmer democracy in Colombia had been the introduction in 1988 of popular elections for mayors. He pointed out that there are no ideological restrictions on the formation of political parties and that the Electoral Council, an independent body, is the one that decides on all matters pertaining to political groups, which now number 14 in all. Lastly, the reform of the Constitution, now under discussion, would help to strengthen the rule of law, in more modern terms.

54. Colombia also has social problems typical of a developing country. Poverty and destitution are, in the opinion of the Presidential Adviser for Social Development, a fertile ground not only for the emergence of and the increase in influence of the guerrillas but also for the spread of violence in all forms. For example, hiring gunmen would not be such a common phenomenon if certain serious social problems no longer existed. It is for this reason, among others, that the Government has taken on the task of developing a forceful social policy with six fundamental components: health and basic education for all; more jobs; promoting hygiene and family welfare; supplying basic inputs for self-employed workers with limited resources, and improving and rehabilitating sub-standard human settlements.

55. The Minister of the Interior informed the Special Rapporteur of the steps taken by the Government to cope with the drug traffic and the so-called paramilitary violence. He referred to Decrees Nos. 813, 814 and 815, of April 1989. The first of those decrees established a kind of Advisory Commission to co-ordinate and wage the campaign against the paramilitary groups. It is made up of the Minister of Defence, the Minister of Justice, the Minister of the Interior, the Commander-General of the Armed Forces, the Police Commissioner and the Head of the DAS. The second decree established a special force of approximately 1,000 men to rout the paramilitary groups. The force was set up with members of the police. The third decree amended the National Defence Organization Act (Decree No. 3398/65), which had authorized the establishment of the so-called self-defence groups. Henceforth, such groups may only be set up with the authorization of the President of the Republic, the objective must be exclusively a defensive one, and the armed forces may not provide them with weapons, not even in a limited fashion. Shortly afterwards, in June 1989, the Government issued Decree No. 1194, under which it is an offence to promote, finance, train or take part in so-called paramilitary groups. Even before the decree was issued, in April, in other words, in the first three months of the year, the Government had dismantled training centres for the paramilitary groups in Guicán (Boyacá), Puerto López (Meta), Santa Marta (Magdalena) and Bogotá (Cundinamarca). According to the DAS, after these decrees operations were stepped up in Magdalena Medio, Antioquia, Santander, Córdoba, and Llanos Orientales, and many hired gunmen working for the paramilitary groups were taken prisoner. They included Alonso de Jesús Vaquero Agudelo, who took part in the massacres at La Rochela, El Diamante (Boyacá), La Honduras, La Negra and Punta Coquitos, in Urabá, and Mejor Esquina (Córdoba). 16/

56. Following the successive killings in August 1989 of the magistrate Carlos Valencia, the Police Commander Colonel Valdemar Franklin Quintero and the Liberal Party candidate for the office of President of the Republic, Luis Carlos Galán, the Government issued some 20 decrees. These decrees contain: first, specific measures against the drug trade, such as extradition

as an administrative measure and the confiscation of property; second, measures to protect judges, either directly by increasing financial resources or by provisions intended to protect the identity of those who take decisions; third, certain limitations on procedural guarantees so as to take tougher action against the drug trade and the so-called paramilitary groups; fourth, an increase in the political and jurisdictional powers of the military; and, fifth, the definition of new offences and increased penalties for existing offences. According to information furnished by the Administrative Security Department (DAS), the statistics show that the decrees relating to the state of siege of April, June and August have begun to yield positive results, as more than 15 so-called paramilitary groups have been dismantled since April in San Luis, Enrigado, Bello and Medellín (Antioquía), Puerto López, San Martín and Puerto Gaitán (Meta), Bogotá and Pacho (Cundinamarca), Valledupar (César), Sinalejo (Sucre), Cali (Valle), Cimitarra and Puerto Parra (Santander). 17/

57. Despite the broad support for the Government for the measures it is taking to get rid of the paramilitary groups and the drug traffickers who finance them, Colombian non-governmental organizations indicated their reservations to the Special Rapporteur about the way in which the Government is going about this task. For instance, there is concern about the extension of the powers granted to the armed forces for the maintenance of public order and the fight against criminal activities. These powers, which are used today against persons suspected of drug trafficking might well be used tomorrow against other citizens deemed by the military to be dangerous. The power granted to military judges to order detention, on mere suspicion of involvement in a criminal act, is particularly worthy of note. Also, mere suspicion is sufficient justification for those who perform judicial police functions (secret agencies and the armed forces) to hold anyone for a period of seven working days. In some cases, the period of time before a detained person is brought before the judge may be as much as 26 or 27 days. 18/ Decrees Nos. 1856 and 1893, concerning the confiscation of goods of persons alleged to have links with the drug trade give rise to similar concern about respect for the rule of law and the procedural guarantees against arbitrary acts by the State. This concern stems from the fact that it devolves upon those whose property has been confiscated to prove within five days that their property "is not derived from an unlawful activity and was not used for the commission of an offence". It would mean the reversal of the general principle that an accused person is innocent until he is proved guilty, since in this case the accused person has to prove his innocence. 19/

58. Of the decrees issued in August, No. 1855 is intended to meet the needs of the judiciary as far as facilities, the acquisition and supply of material, the provision of services and loans are concerned. Decree No. 1965 introduces a system for the administration of resources intended to restore public order. Confidential proceedings in dealing with decisions on constitutionality by the Supreme Court of Justice are introduced in Decree No. 1894. All these measures are in response to the deeply felt need to strengthen and protect the judiciary and to the outcry from the union for urgent and effective action to be taken along these lines. As to the external aid being furnished to Colombia to combat the drug trade, a number of non-governmental organizations and judicial officials whom the Special Rapporteur met emphasized the need for this aid to be used essentially to strengthen the rule of law and more particularly the judiciary, equipping it with improved resources and, above all, technical facilities to enable it to confront the growing challenges. Other non-governmental organizations

questioned the almost exclusively military character of the foreign aid being received by Colombia and said that the arms and equipment that friendly nations are sending are more suitable for combating counter-insurgency than for combating the drug trade and the so-called paramilitary groups.

59. Lastly, the Government has applied a number of administrative sanctions against certain members of the armed forces. For instance, at the beginning of 1989 Colonel Luis Bohórquez Montoya, the Commander of the Puerto Boyacá Bárbula Battalion was dismissed, apparently because of his links with so-called paramilitary groups which are active in the region. On 11 May 1989, the President of the Republic ordered the removal of four officers (two lieutenants, one captain and one major) responsible for torture, disappearances and summary and arbitrary executions. All four had been found guilty by the Office of the Attorney-General, which had requested their dismissal. The Ministry of Defence relieved them of their duties, but did not cashier them. Subsequently, the President ordered them to be dismissed. This case was brought to the attention of the Special Rapporteur as an example of the opposition of the armed forces to taking exemplary administrative sanctions, even in cases where there is evidence of the involvement of members of the armed forces in so-called paramilitary groups. The Commander-General of the Armed Forces, who presides over the highest military court, told the Special Rapporteur that the competent organs discharge their responsibility of punishing those who commit misdemeanours or offences, but said that the Ministry of Defence was not in possession of statistics on the administrative and judicial sanctions imposed on members of the institution for human rights violations. According to him, it was due to the fact that there were few cases of this kind and therefore they did not warrant separate statistical processing vis-à-vis other misdemeanours or offences. On this point, many non-governmental organizations indicated that the President's action in dismissing four officers who had committed human rights violations should be followed more often, since in many cases there is evidence of such violations; instead, administrative sanctions are applied and it is preferred to leave matters in the hands of courts, usually the military courts, which are generally quite inactive.

VI. CONCLUSIONS AND RECOMMENDATIONS

60. The Special Rapporteur is grateful for the invitation extended to him to visit Colombia at a particularly critical period of its history. The Special Rapporteur appreciates the co-operation extended to him by the Government prior to and during the visit which made the visit worthwhile and useful.

61. Colombia has experienced a continuous and protracted period of violence of varying degrees and intensity since April 1948 following the assassination of the liberal leader Jorge Eliecer Gartan. There has also been an increase in the type and number of actors in this climate of violence. For a similar period, Colombia has been under a state of siege. During the ten year period between 1948 and 1958, it is estimated that between 200,000 and 300,000 people died as a result of fighting between the supporters of the Liberal and Conservative Parties. The 1958 agreement between the two parties under which they agreed to share power alternatively for the next 16 years brought an end to this type of violence. However, sections of the population particularly those with a different ideology or political thinking from the Conservative and Liberal Parties felt excluded or marginalized from the political process.

62. A large number of poor Colombians felt excluded from participation in political life. Hence, the seeds of another source of violence, that of guerrilla movements, were planted. The peasant self-defence groups that had been promoted by the Liberal Party evolved into the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). There are currently eight guerrilla movements including the "April 19" movement (M-19) which came into being after allegations of fraud during the 1970 presidential election. The main targets of the guerrilla action have been the armed forces and the police. To combat the guerrillas, the civilian population was organized in civilian self-defence groups and this was regulated by Order No. 0005 of the High Command of the Armed Forces, 1969, and the Counter-Insurgency Regulations (Regulation EJC 3-10). As the drug trade became increasingly part of the Colombian society, another very important contribution to violence in Colombia was introduced. The drug barons engaged in wholesale purchasing of land by way of investment, often in guerrilla-controlled areas and this inevitably led to a conflict between them and the guerrillas. A number of killings have also occurred as a result of gang wars between the cartels over control of territory.

63. To achieve their aims, the drug traffickers set up paramilitary organizations. The first of such groups "Muerte a secuestradores" (M.A.S.) (Death to Kidnappers) was set up following the kidnapping of one of the daughters of a major drug baron by members of M-19. According to a DAS report, the hit men and drug dealers who operate in Puerto Boyaca use the Association of Farmers and Stock-Breeders of Central Magdalena (ACDEGAM) as a front for their illegal activities. In the course of time, many civilian self-defence groups were gradually taken over by the drug barons. It is estimated that there are currently over 140 paramilitary groups operating in Colombia today. The paramilitary groups are trained and financed by drug traffickers and possibly a few landowners. They operate very closely with elements in the armed forces and the police. Most of the killings and massacres carried out by the paramilitary groups occur in areas which are heavily militarized. The paramilitary groups are able to move easily in such areas and commit murders with impunity. As the report shows, in some cases, the military or police either turn a blind eye to what is being done by paramilitary groups or give support by offering safe conduct passes to members of the paramilitary or by impeding investigation. For example, the Director of the National Criminal Investigation Department at the time of the La Rochela massacre said that what worried him most was that inquiries for which he was responsible were turning up more and more evidence of indulgence, tolerance and backing of extreme right-wing groups by members of the police and the army. "We are carrying out very serious investigations and they have been harassing my men, who are being threatened by members of the National Police. The Judicial Technical Police is scared. It would be irresponsible of me to make any claim to the contrary."

64. Paramilitary groups are the greatest source of violations to the right to life in Colombian society today. Most of the killings and massacres have not only occurred at their hands but they have contributed to what has come to be known as impunity, that is the knowledge on the part of the perpetrators of these crimes that they will not be subject to the due process of law and punished for their misdeeds. Far reaching steps have to be taken to eliminate the prevailing climate of impunity and to curtail summary or arbitrary

executions taking place as if they are part of everyday life. These policies will involve, not only strong political will but resources and technical expertise. It is for the latter, where appropriate and with the agreement of Colombia, that the international community can provide assistance.

65. Any solution to the problem of violence in Colombian society today has to address itself to the problem posed by the paramilitary groups. The Government is aware of this and has taken steps against them. By Decree 813, an Advisory Commission was set up to combat paramilitary groups. The Commission's mandate is to create a plan of action to combat paramilitary groups. By Decree 814, a special force of up to 1,000 men was set up to combat these groups. The Special Rapporteur was informed that there had been some success in the war against such groups and that 17 of the groups had been disbanded. However, a lot more still needs to be done, bearing in mind that there are still 140 groups in existence. Decree 816 recognizes the role of properly instituted self-defence groups, but only at the initiative of the President by way of a decree which must be countersigned by the Ministers of Defence and the Government. The recruitment of civilians is only for defence purposes. The previous legislation which authorized the armed forces to give restricted weapons to self-defence groups has been revoked.

66. There should be an all out effort aimed at disbanding all the paramilitary groups not authorized and regulated by the law. The new Decree 1194/89 which aims at punishing those who promote, finance, train or take part in hired assassination (paramilitary) groups should be fully implemented. The enormity of this task should not be underestimated. There is bound to be resistance to such measures not only from within the military and the police but also from within the traditional political and economic élites who would rather have as priority the fight against the guerrillas. However if the violence is to be dealt with successfully then the problem of the existence of paramilitary groups has to be confronted.

67. Coupled with the disbanding of paramilitary groups, all persons in the armed forces and the police who have corroborated with or given support to such groups, hit men or drug traffickers, should be dismissed. The Government believes that the majority of the police and the military are not linked to the drug traffickers because otherwise the various actions aimed against them would not have been successful. It has been suggested that, through administrative action and the exercise of the constitutional powers vested in the President of the Republic to freely appoint and remove his agents, the Executive could and should remove members of the armed forces involved with such groups. Article 120, Ordinals 1 and 5 of the Constitution give the President power to do so, and Article 125, Ordinal 4 of Decree 095 of 1982, and Article III, Ordinal 4 of Decree 096 of 1989 give power to remove members of the armed forces from duty. Already, the Government has begun to do this. The Executive asserted its authority in the dismissal of four police officials guilty of causing the disappearance of persons and of committing torture and murders. There is also the example of Colonel Luis Bahorquez Montaya, Commander of the Peurto Boyaca who was relieved of his duty for his evident links with the paramilitary groups in the region. The same could possibly be said for Colonel Diego Hernan Velandia Postrana, Commander of the Santander Batallion of Ocána. However, there needs to be a more determined effort to remove such officers from the armed forces and police.

68. Another area which needs to be looked into as a matter of urgency is in the administration of justice. As can be seen from the report, very many judges, investigators and witnesses have either lost their lives or been threatened with death in the course of their duties. A climate of genuine fear exists among these groups of peoples which hampers the administration of justice and which contributes to the phenomena known as impunity. Witnesses cannot come forward to give evidence and even if they make statements, they are later retracted because of intimidation and fear of being killed. Proper investigations cannot be carried out and, therefore, many files are closed for lack of evidence. For those few files where there is evidence, a judge may not be able to mete out justice without fear or favour. The end result is that the guilty escape punishment because of lack of evidence. Adequate protection of all those involved in the administration of justice is, therefore, a matter of highest priority.

69. The Government is aware of this problem and on 18 August 1989, it issued a decree setting up a fund to pay for effective protection of judges and members of their families. Up to the time of the visit of the Special Rapporteur, however, no fund had been established because of lack of resources. Lack of funds is also the reason why witnesses are not given protection. DAS and the Department of Criminal Instruction have tried within their own limited resources to give protection to some of the witnesses but this has not on the whole been successful. The Special Rapporteur was told that in a few cases where the name, identity card and place of residence were changed, the witness was nevertheless killed. A fund for providing adequate security to those involved in the administration of justice is vital at this stage of Colombian history and it is an area in which the international community can assist.

70. The promotion of criminal investigation mechanisms particularly by the Judicial Police should be regarded as a matter of utmost priority. The Special Rapporteur visited the Department of Criminal Investigation which is the Technical Unit of the Judicial Police and was impressed by the high morale and determination of its officers in spite of the heavy odds against them. The investigators have to operate not only in a very precarious condition but they do not have sufficient infrastructure to guarantee an efficient operation, sufficient trained personnel, sufficient means of communication and the necessary technical expertise to be able to mount an effective investigation. A former director of the Department has said that the Government decrees requiring the police and the army to provide support and security for the judicial commissions of inquiry are not complied with, since the police and the army always say that they do not have enough staff, petrol or time or that their staff is on public order missions. This is a department that is pivotal in ensuring that people who commit crimes including crimes of murder do not escape prosecution. The Department should be considerably strengthened. The international community could, therefore, assist the Department in training, and by providing means of communication and technical expertise. It is vitally important that all cases of killings be properly investigated and the persons responsible whoever they are be disciplined and punished according to the law.

71. The important role of the judiciary needs to be given more recognition and respect and this should be reflected in their terms and conditions of service. The Special Rapporteur was informed by the Judges Association that on average the salaries of judges and magistrates are less than those of civil servants of less educational level. Even lawyers in the Attorney-General's Office get on average at least $100 more than judges. Judges or magistrates have no social security, no housing and no libraries to enable them to carry out their work effectively. The terms and conditions of service of judges and magistrates need to be given consideration.

72. The worst hit groups of people have been peasants and workers. As somebody told the Special Rapporteur, every peasant is considered to be a potential guerrilla. The root causes giving rise to dissatisfaction among the peasants and workers have to be dealt with. It is therefore important that urgent programmes of action be taken to bring about social justice so that the economic and social conditions of peasants and workers can be considerably improved. The democratic reforms should be such that the peasant and the worker will not just be onlookers but active participants in the democratic and decision-making process. The role of groups which operate with peasants and workers, be they political parties, trade-unions, educators, non-governmental organizations dealing with economic, social, cultural and human rights issues, should be given due recognition and in a climate in which they can operate without intimidation from any quarter. There appears to be a systematic campaign by the paramilitary and extreme right-wing groups to eliminate or disrupt those organizations. The Government has already taken some steps to address the root causes: for example, dialogue with the guerrilla movements, programmes to ensure health and basic education for all, more jobs, agrarian reform and improving and rehabilitating sub-standard human settlement. The struggle against paramilitary groups and drug-traffickers will, it is hoped, eliminate or lessen the danger to these initiatives and thereby promote a healthy and constructive debate and discussion. This will, perhaps, lead to the accommodation of various sectors of the population and a consensus in the society that Colombia should be a society which belongs to all and in which there is peace, democracy, the rule of law, social justice and respect for human rights.

73. In a society which has been marked by such violence there is a need for a sustained campaign to promote human rights and the value of respecting them. Human rights need to be emphasized in the activities of the armed forces and police and whoever violates them should be disciplined and punished; the teaching of human rights should be compulsory to all public officals and in all educational establishments.

74. The efforts being made particularly by the Presidential Adviser on Human Rights in this regard are commendable and should be given support. Mention should also be made of the institution of Municipal Ombudsmen. The Special Rapporteur met a few of them. Some of them appeared to know their role but some did not. Some were operating not only under difficult conditions but also under threat to their lives. The Municipal Ombudsmen have a potential of really promoting and protecting human rights at the grass roots level. Their position should be strengthened and resources should be at their disposal so that they can function effectively.

Notes

1/ The most important and most recent reference works on violence in Colombia are the following: Colombia: Violencia y Democracia, edited by Gonzalo Sánchez and published by the National University of Colombia and Colciencias, Bogotá, 1988; and Crónica de Dos Décadas de Política Colombiana 1968-1988, by Daniel Pécaut, Siglo XXI, Bogotá, 1988.

2/ The term is used, both in Colombia and other countries, as a synonym for death squads, and does not necessarily imply participation by members of the forces of law and order, although in certain cases there is evidence of such participation. The extensive use of the term would, however, appear to indicate that there are fairly close links in people's minds between these groups and members of the forces of law and order.

3/ Informe Confidencial, Administrative Security Department, 12 August 1987. The information contained in this report was made public in 1988, when a parliamentary debate was held on the topic.

4/ Meeting between the Special Rapporteur and the representatives of the National Association of Judges, Mr. Helmoot Romero Devia and Mr. Gregorio Oviedo Oviedo, Vice-President and Legal Adviser, respectively, on 18 October 1989 in Bogotá.

5/ The massacre at La Rochela, Santander, took place on 18 January 1989. The three survivors namely, Mr. Arturo Salgado Garzón, Mr. Manuel Libardo Diaz Navas and Mr. Wilson Mantilla, are investigators from the Department of Criminal Investigation.

6/ Informe Confidencial, Administrative Security Department, 20 July 1988.

7/ Statement by the Head of the Administrative Security Department in the First Committee of the Senate of the Republic, Annex C, 20 September 1989.

8/ Ibid.

9/ Investigación del Genocidio de las Fincas "La Honduras" y "La Negra", Confidential, DAS, 15 April 1988.

10/ Ibid.

11/ Death to Kidnappers (Muerte a Secuestradores (MAS)) was one of the first paramilitary groups to be formed. It goes back to 1981, when the M-19 abducted the granddaughter of one of the most prominent members of the Medellín Cartel. In response, the Cartel organized this paramilitary group and succeeded in freeing the kidnap victim, apparently without paying a ransom.

12/ Carta de la Unión Patriótica al Presidente Barco, 5 February 1989.

13/ See paragraph 34.

14/ Ibid.

15/ See table V.

16/ Balance de la gestión oficial contra los grupos de sicarios y el narcotráfico, Administrative Security Department, 1 September 1989.

17/ Ibid.

18/ Las otras caras de la guerra a la mafia, Andean Commission of Jurists, Colombian Section, 18 September 1989.

19/ Ibid.